

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE INSTITUTE OF CETACEAN
RESEARCH, a Japanese research
foundation; KYODO SENPAKU
KAISHA, LTD., a Japanese corporation;
TOMOYUKI OGAWA, an individual; and
TOSHIYUKI MIURA, an individual,

Plaintiffs,

v.

SEA SHEPHERD CONSERVATION
SOCIETY, an Oregon nonprofit
corporation, and PAUL WATSON, an
individual,

Defendants.

SEA SHEPHERD CONSERVATION
SOCIETY, an Oregon nonprofit
corporation,

Counterplaintiff,

v.

THE INSTITUTE OF CETACEAN
RESEARCH, a Japanese research
foundation; KYODO SENPAKU
KAISHA, LTD., a Japanese corporation;
and HIROYUKI KOMURA, an individual,

Counterdefendants.

No. C11-2043JLR

DECLARATION OF JOHN F. NEUPERT
IN SUPPORT OF PLAINTIFFS
THE INSTITUTE OF CETACEAN
RESEARCH, KYODO SENPAKU KAISHA,
LTD., AND TOMOYUKI OGAWA'S
MOTION TO LIFT STAY AND FOR
REMEDIAL SANCTIONS FOR
CONTEMPT

DECLARATION OF JOHN F. NEUPERT IN SUPPORT OF
PLAINTIFFS THE INSTITUTE OF CETACEAN RESEARCH,
KYODO SENPAKU KAISHA, LTD., AND TOMOYUKI OGAWA'S
MOTION TO LIFT STAY AND FOR REMEDIAL SANCTIONS
FOR CONTEMPT - 1
(C11-2043JLR)

MILLER NASH GRAHAM & DUNN LLP
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3400 U.S. BANCORP TOWER
111 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

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2 I, John F. Neupert, hereby declare as follows:

3 I am an attorney with Miller Nash Graham & Dunn LLP, the attorneys of record
4 for plaintiffs in this case. I make this declaration in support of plaintiffs The Institute of
5 Cetacean Research, Kyodo Senpaku Kaisha, Ltd., and Tomoyuki Ogawa's motion to lift stay and
6 for remedial sanctions for contempt. I am competent to testify to the matters stated herein and
7 either have personal knowledge of the facts set forth below or they are from sources deemed
8 reliable.

9 1. Attached as Exhibit 1 is the January 2013 grant agreement from
10 Sea Shepherd Conservation Society ("SSCS") to Sea Shepherd Australia Limited ("SSAL"),
11 granting equipment aboard the *Brigitte Bardot*.

12 2. Attached as Exhibit 2 is the January 12, 2013, grant agreement from SSCS
13 to Stichting Sea Shepherd Conservation Society ("SSN"), granting equipment aboard the
14 *Steve Irwin*.

15 3. Attached as Exhibit 3 is the January 12, 2013, grant agreement from SSCS
16 to SSN, granting the *Bob Barker*.

17 4. Attached as Exhibit 4 is the October 4, 2012, agreement for transfer and
18 grant of vessel between SSAL, SSCS, and New Atlantis Ventures, LLC, granting the *Sam Simon*.

19 5. Attached as Exhibit 5 is the December 21, 2010, grant agreement from
20 SSCS to SSAL, granting the *Brigitte Bardot*.

21 6. Attached as Exhibit 6 is the March 9, 2012, deed of transfer for the
22 *Steve Irwin*.

23 7. Attached as Exhibit 7 is the April 12, 2012, first witness statement of
24 Paul Watson ("Watson") in the proceeding between Fish & Fish Limited and Sea Shepherd UK,
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DECLARATION OF JOHN F. NEUPERT IN SUPPORT OF
PLAINTIFFS THE INSTITUTE OF CETACEAN RESEARCH,
KYODO SENPAKU KAISHA, LTD., AND TOMOYUKI OGAWA'S
MOTION TO LIFT STAY AND FOR REMEDIAL SANCTIONS
FOR CONTEMPT - 2
(C11-2043JLR)

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1 SSCS, and Watson in the High Court of Justice, Queen's Bench Division, Admiralty Court,
2 Claim No. 2011 461.

3 8. Attached as Exhibit 8 is plaintiffs' Exhibit 302 from the Ninth Circuit
4 contempt proceedings before Appellate Commissioner Shaw, an April 11, 2013, e-mail string
5 between and among various Sea Shepherd representatives.

6 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
7 is true and correct.

8 Executed on this 5th day of March, 2015, in Portland, Oregon.

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10
11 s/ John F. Neupert
12 John F. Neupert
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DECLARATION OF JOHN F. NEUPERT IN SUPPORT OF
PLAINTIFFS THE INSTITUTE OF CETACEAN RESEARCH,
KYODO SENPAKU KAISHA, LTD., AND TOMOYUKI OGAWA'S
MOTION TO LIFT STAY AND FOR REMEDIAL SANCTIONS
FOR CONTEMPT - 3
(C11-2043JLR)

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CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2015, I electronically filed the foregoing DECLARATION OF JOHN F. NEUPERT IN SUPPORT OF PLAINTIFFS THE INSTITUTE OF CETACEAN RESEARCH, KYODO SENPAKU KAISHA, LTD., AND TOMOYUKI OGAWA'S MOTION TO LIFT STAY AND FOR REMEDIAL SANCTIONS FOR CONTEMPT with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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I further certify that on the date indicated above, I served the foregoing document on:

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by the following indicated method or methods:

- 1 ☒ **First-class mail, postage prepaid.**
2
3 ☐ **Hand-delivery.**
4 ☐ **Overnight courier, delivery prepaid.**
5 ☐ **E-mail, as a courtesy only.**
6

7 DATED this 5th day of March, 2015.
8

9 By: s/ John F. Neupert
10 John F. Neupert, P.C. #39883
11 *Of Attorneys for Plaintiffs and for*
12 *Counterdefendants The Institute of Cetacean*
13 *Research and Kyodo Senpaku Kaisha, Ltd.*
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